

Message

From: Hicks, Matt [Hicks.Matthew@epa.gov]
Sent: 2/18/2020 2:06:36 PM
To: Palmer, Leif [Palmer.Leif@epa.gov]
CC: Ghosh, Mita [Ghosh.Mita@epa.gov]
Subject: RE: FL 404 Assumption

It was on my list of things to do last week. As of this morning, still nothing regarding the rulemaking but I'll keep you posted.

From: Palmer, Leif <Palmer.Leif@epa.gov>
Sent: Friday, February 14, 2020 6:46 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Subject: Re: FL 404 Assumption

Thought you were not working today.

Sent from my iPhone

On Feb 14, 2020, at 5:36 PM, Hicks, Matt <Hicks.Matthew@epa.gov> wrote:

Leif and Mita,

Here's an updated 404 assumption checklist. I've included a discussion of ESA steps and timelines at the end of the checklist. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP) As of 5:30 this evening, I haven't received any word that FDEP's rulemaking is moving forward this week which was a possibility according to FDEP staff.

Thanks,

Matt

From: Palmer, Leif <Palmer.Leif@epa.gov>
Sent: Wednesday, February 5, 2020 8:39 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Subject: RE: FL 404 Assumption

Thanks. We should probably add the EPA steps needed in a separate or part 2 checklist – with timelines.

Ex. 5 Deliberative Process (DP)

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Wednesday, February 5, 2020 8:31 PM
To: Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Cc: Nagrani, Kavita <Nagrani.Kavita@epa.gov>

Subject: RE: FL 404 Assumption

We can certainly dust off the assumption package checklist and get that updated **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

As of February 4th we still hadn't issued the FR notice. Kathy Hurd is supposed to be checking on the status of that. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

From: Palmer, Leif <Palmer.Leif@epa.gov>

Sent: Wednesday, February 5, 2020 7:36 PM

To: Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Cc: Nagrani, Kavita <Nagrani.Kavita@epa.gov>

Subject: RE: FL 404 Assumption

Thanks. Since its been a minute (or months) can we dust off your checklist of steps needed to process the 404 assumption package and percentage completed; **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

From: Hicks, Matt <Hicks.Matthew@epa.gov>

Sent: Wednesday, February 5, 2020 7:26 PM

To: Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

Cc: Nagrani, Kavita <Nagrani.Kavita@epa.gov>

Subject: FL 404 Assumption

Leif and Mita,

The program had a call with Heather Mason of FDEP early this afternoon and were informed that there's a "rumor" that the draft rule could be submitted to OFAR next week with Notice of Proposed Rulemaking (NPR) to follow a week after that. According to Heather, the draft rule will have some additions clarifying ESA consultation responsibilities but she didn't think EPA would have any concerns with the language. FDEP may share a version of the rule with Region 4 prior to transmitting it to OFAR but the program viewed it as more of a courtesy rather than an opportunity for substantive comment. The program did not ask Heather what the potential rulemaking means for FL's 404 assumption package schedule. We have a bi-weekly call with FDEP scheduled for Feb 11th where we will attempt to get more info on timeline.

Heather said that the consultant FDEP hired to assist with informal consultation has finalized the species assessment and is now moving on to other aspects of the biological assessment (BA). Heather anticipates sharing a draft BA with EPA and the services on or before February 24th **Ex. 5 AC/DP**

Ex. 5 AC/DP

Ex. 5 AC/DP

According to Heather, the high-level call last Monday between FDEP, FWS, Corps, and Lee Forsgren was the one and only ESA workgroup call planned for FDEP's informal consultation. Rosemary is going to recommend to Jeaneanne that she contact John Truitt to reiterate Region 4's desire to be more involved in the process.

<Completeness Determination for FL- 2-14-2020.docx>